



SENATE BILL 105: Political Signs/Add Towns to SHP

2013-2014 General Assembly

Committee: House Finance
Introduced by: Sen. Tillman
Analysis of: PCS to Second Edition
S105-CSSV-56

Date: June 26, 2014
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SUMMARY: *Senate Bill 105 would authorize municipalities to prohibit or regulate the placement of political signs on the rights-of-way of State highways located within the corporate limits of municipalities. The Proposed Committee Substitute includes a new provision that would add the Towns of Elizabethtown and Matthews to the State Health Plan.*

CURRENT LAW & BILL ANALYSIS:

Section 1: Political Sign Authority

Political signs may be placed in the rights-of-way of the State highway system in specified circumstances. Municipalities are authorized to enact ordinances concerning placement of political signs on municipal rights-of-way. If a municipality has no political sign ordinance, the provisions of the State law apply on the municipal streets.¹ DOT is authorized to remove any signs erected without authority or that remain beyond the deadline established in G.S. 136-32.

The PCS for Senate Bill 105 would authorize municipalities to prohibit or regulate the placement of political signs on State highways located within their corporate limits as well.

Section 2: Addition of Towns to State Health Plan

The following local governments participate in the State Health Plan: Beaufort, Bladen, Mitchell, Washington, and Rutherford Counties, the Rutherford-Polk-McDowell District Board of Health, and the Towns of Forest City, Lake Lure, Black Creek, Sunset Beach, Tabor City, Black Mountain, Ocean Isle Beach, Kure Beach, Biltmore Forest, and Blowing Rock.

The PCS for Senate Bill 105 would allow the towns of Elizabethtown and Matthews to cover their employees and dependents in the State Health Plan (Plan). No one would be eligible for coverage as a retiree of either town. The Plan's practice with other local governments has been to require the local government to offer all plan options and submit the fully contributory premium to the Plan, allowing the local government to decide how to split that premium between the employee and the local government.

EFFECTIVE DATE: This act is effective when it becomes law.

¹ G.S. 136-32 is set out in its entirety on page 2 of this Bill Analysis.



Current law:

§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply.